

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF SOUTH DAKOTA**

In Re:

**COLLEEN A. CARMAN,
a/k/a Colleen a. Tharnish,
SSN/ITIN: xxx-xx-5405, and
BRIAN A. CARMAN,
SSN/ITIN: xxx-xx-3787,**

Debtors.

Case No. 09-10226

Chapter 7

**UNITED STATES TRUSTEE'S
MOTION TO DISMISS**

The United States Trustee respectfully moves the Court, pursuant to 11 U.S.C. §707(a)(3), 521(a)(1)(B) for an Order dismissing the above-captioned Chapter 7 case for Debtors' failure to file their Statement of Financial Affairs.

In support of his Motion, the United States Trustee states and alleges that:

1. Debtor filed a petition for relief under Chapter 7 of Title 11 on October 14, 2009.
2. At the time of filing, Debtors did not file a statement of financial affairs.
3. Pursuant to 11 U.S.C. §521(a)(1)(B)(iv) and (v) and Federal Rule of Bankruptcy Procedure 1007(b) and (c), Debtors were to have filed such documents within fifteen (15) days of the filing of their petition.
4. More than fifteen (15) days have passed since the filing of the Debtors' petition, and Debtors have failed and/or refused to file such documents.

5. Pursuant to 11 U.S.C. §707(a)(3), the Court may dismiss a Chapter 7 case for failure to timely file these documents.

WHEREFORE, the United States Trustee respectfully urges the Court to enter its Order dismissing the above-captioned case for Debtors' failure to file a Statement of Financial Affairs .

HABBO G. FOKKENA
UNITED STATES TRUSTEE
Region 12

Dated: November 4, 2009.

By: /s/ Bruce J. Gering
Bruce J. Gering
Assistant United States Trustee
314 S. Main, Suite 303
Sioux Falls, S.D. 57104-6462
Tele: (605) 330-4450
Fax: (605) 330-4456
Email: Bruce.J.Gering@usdoj.gov